



**State of New Hampshire**  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

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Gary Howard  
Attitash Sports Club  
PO Box 358  
Bartlett, New Hampshire 03812

LETTER OF DEFICIENCY  
WMB PBF 02-61  
September 6, 2002

Dear Mr. Howard

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 26, 2002, DES inspected the following public bathing facilities at the Attitash Sports Club, in Bartlett, NH: (a) the outdoor pool ("Outdoor Pool"); (b) the outdoor spa ("Outdoor Spa"); (c) the wading pool ("Wader"); and (d) the saddle pool ("Saddle Pool"). During this inspection, the following deficiencies were noted:

A recommendation to super chlorinate the Outdoor Pool was issued on August 27, 2002. The inspection on August 26, 2002 revealed that the Outdoor Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Outdoor Pool water:

- a. Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Outdoor Pool water contained greater than 160 CTS/100mL of total coliform bacteria.
- b. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Outdoor Pool water contained greater than 200 CTS/100mL.

A recommendation to super chlorinate the Wader was issued on August 27, 2002. The inspection on August 26, 2002 revealed that the Wader was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Wader water:

- a. Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Wader water contained 77 CTS/100mL of total coliform bacteria.
- b. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Wader water contained greater than 200 CTS/100mL.

A recommendation to super chlorinate the Saddle Pool was issued on August 27, 2002. The inspection on August 26, 2002 revealed that the Saddle Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Saddle Pool water:

- a. Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Saddle Pool water contained 49 CTS/100mL of total coliform bacteria.
- b. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Saddle Pool water contained greater than 200 CTS/100mL.

4. Env-Ws 1104.04(a) requires the following safety devices to be present at all public pools: (1) a light, strong pole not less than 12 feet long, including a body hook, and (2) a minimum one-fourth inch diameter throwing rope as long as one and one-half times the maximum width of the pool or 50 feet, whichever is less, to which has been firmly attached a ring buoy with an outside diameter of approximately 15 inches or a similar flotation device. These safety devices were not present at the Outdoor Pool at the time of inspection. These safety devices were not present at the Saddle Pool at the time of inspection.

5. Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Saddle Pool at the time of the inspection.

6. Pursuant to Env-Ws 1104.03(d)(7), a clock shall be visible from all public spas. A clock was not visible from the Outdoor Spa at the time of the inspection.

Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Saddle Pool at the time of the inspection.

8. Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth of the Outdoor Pool was not marked on the Outdoor Pool deck. The depth of the Saddle Pool was not marked on the Saddle Pool deck.

9. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Outdoor Pool did not include a functioning flow meter. The filtration system for the Wader did not include a functioning flow meter. The filtration system for the Saddle Pool did not include a flow meter.

10. Pursuant to Env-Ws 1105.01(k)(10), public swimming pools shall not be operated if an outlet grate is missing, broken or secured in such a way that it can be removed without the use of tools. One of the outlet grates /main drain covers for the Outdoor Spa was broken.

Env-Ws 1103.05 requires shower facilities to be provided at all public bathing facilities. There is no shower at the Saddle Pool.

12. Env-Ws 1103.08 requires toilet facilities to be provided for both sexes and conveniently located for use. There are no toilets for use at the Saddle Pool.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. The type, manufacture, and model of the flow meters to be installed.
3. The type, manufacture, and model of the main drain cover to be installed.
4. A timetable of when:
  - a. the safety items will be in place;
  - b. the depth will be marked;
  - c. patron rules will be posted; and
  - d. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of

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Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

  
**COPY**  
Jody Connor  
Limnology Center Director

Enclosures

Certified Mail # 7099 3400 0002 9770 1970

cc: Mark Harbaugh, Enforcement Attorney, DES ✓  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Gene Chandler, Health Officer, Town of Bartlett

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